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Central Intelligence Agency

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AH. ER 84-600

Washington, D.C. 20505

17 FEB 1984

The Honorable Edward P. Boland, Chairman
Permanent Select Committee on Intelligence
House of Representatives
Washington, D.C. 20515

Dear Mr. Chairman:

The following responds to your request of 2 February 1984 for information regarding implementation of the Central Intelligence Agency (CIA) Spouses' Retirement Equity Act. Answers are keyed to the specific requests contained in your letter.

> "(1) A description of what steps were taken by the CIA to publicize the Act's provisions to current and former employees and their current and/or former spouses";

The Agency published a series of notices and field correspondence to employees and letters to retirees advising of the provisions of the Act. The publications spanned the period of initial consideration of the legislation through its implementation. The first notice was published 29 April 1982 and advised that spousal legislation was being proposed similar to that contained in the Foreign Service Retirement and Disability System and provided a general description of provisions being considered. Interim notices and letters were published advising of the continuing status and eventual enactment of the legislation. Following enactment, correspondence was issued that contained information on the specific provisions of the Act and included spousal entitlements and Administrative procedures. An information sheet providing details of the spousal legislation is also provided to new Agency employees at the time of entrance on duty. In addition, the Agency prepared a notice for eligible spouses of on-board employees to be transmitted via employee (for cover and security reasons), signed by the spouse and returned for filing with the employee's personnel records. When an employee is involved in divorce proceedings, he or she is now required to notify the Office of Personnel so that a similar notice may be sent to the

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WHEN SEPARATED FROM ENCLOSURES

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(former) spouse. Finally, when an employee applies for retirement benefits, he or she must identify any former spouse(s) on the application form so that they may be notified of their eligibility for benefits. Copies of these communications are included in Enclosure 1.

> "(2) A description of what, if any, steps were taken to insure notice to those former spouses divorced before 15 November 1982 whose rights to seek a survivor annuity expired on 15 November 1983";

A participant who retired under the CIA Retirement and Disability System on or before 15 November 1982 and who on that date had a former spouse, could have elected by 15 November 1983 with the consent of his or her current spouse (if any), to receive a reduced annuity and provide a survivor annuity for the former spouse. This is possible only if the participant had not previously elected the maximum benefit for the current spouse. This benefit could be provided to former spouses only at the option of the retiree. A notice was forwarded to all retired participants advising them of their legal entitlement to make such an election. A follow-up notice reminding these individuals of the 15 November 1983 deadline was forwarded on 23 September 1983. Copies of this correspondence are included in Enclosure 2.

> "(3) The number of former spouses referred to in item 2 above sought the annuity before 15 November 1983";

Former spouses making inquiries to the Agency regarding item 2 above were informed of the prerequisites for receiving this benefit and advised that they should discuss this matter with the retired participant since only that individual could elect a survivor annuity under this provision. Our records indicate that 14 participants actually elected a survivor benefit for their former spouses by the 15 November 1983 deadline.

> "(4) Your opinion as to whether it would be appropriate to retroactively extend the 15 November 1983 deadline";

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In enacting the CIA Spouses" Retirement Equity Act, Congress recognized that retroactive application of this law could affect settled legal rights and consequently limited this statute to prospective application only. The difficult problem of retroactive legislation affecting settled legal rights remains a substantial impediment to retroactive extension of the 15 November 1982 deadline. Consequently, we believe that any inequities in divorce actions completed prior to 15 November 1982 should be addressed in the courts having jurisdiction over divorce.

> "(5) A description of the process established to inform spouses on how to apply for benefits under the Act and how to obtain information concerning the salary and pension of the employee spouse";

Upon notification to the Agency of a divorce, the former spouse is informed in writing of the potential benefits and eligibility requirements and is instructed to maintain a current contact point with the Agency. They are advised that they will be notified of their eligibility for benefits upon either the employee's retirement or the retiree's death. Because of Privacy Act restrictions, information on salary, pension or personal information concerning participants may only be provided with their consent or pursuant to the order of a court of competent jurisdiction. Anyone making a request for this information is so advised and given instruction on procedures to be followed. Former spouses who present court orders requiring apportionment of an annuity are advised whether the order qualifies and when they may expect to receive benefits.

> "(6) A description of the steps taken since the Intelligence Committee hearings of March and April 1982, to improve communications between the CIA and the spouses of its employees."

In addition to all of the above mentioned notices and letters published on this issue, the Agency has made a number of other efforts to communicate with spouses. For instance, a seminar exclusively for spouses was developed and presented in April 1983 and a similar session is

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scheduled for April 1984. This course includes a briefing on the CIA Spouses' Retirement Equity Act. A segment of our annual Retirement Seminar, conducted in October of 1982 and 1983, was dedicated to providing similar information. In addition, we have developed an information packet designed to assist spouses facing divorce proceedings. A copy of this packet is included in Enclosure 3. Upon making contact with the Agency, spouses are also advised that assistance is available through the Office of General Counsel (OGC) regarding legal requirements and provisions. Finally, we have a Family and Employee Liaison Office through which current and former spouses can obtain unclassified information on a variety of family concerns.

As requested by you, the personal history "vignettes" are currently under review to determine if they can be declassified and made public. Based upon a very cursory review of a selected number of pages, it appears doubtful that all the material can be declassified. There is, however, a possibility that some pages can be sanitized for release. A final decision on this aspect can only be made after all the pages are reviewed. Because there are a significant number of pages which must be reviewed, line by line, some time is needed to complete this review. Our best estimate is that this review will not be complete prior to 9 March 1984. If sanitization is possible, this process will lengthen the time of our response.

Issuance of revised Agency regulations on retirement was delayed pending approval of an Executive Order incorporating numerous changes to the CIA Retirement and Disability System. A draft copy of the CIARDS regulation [redacted] 25X1 which reflects all changes, including the spousal legislation, is included as Enclosure 4.

You will recall that Mr. Andrew Ruddock, a former OPM Director of the Bureau of Retirement and Insurance who performs an annual independent audit of CIARDS, stated in his report to you dated December 1983 that the Agency used a series of letters and other issuances to do a highly commendable job of informing current employees, annuitants, spouses, and former spouses of the enactment and provisions

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of the CIA Spouses' Retirement Equity Act of 1982. He further commented in the report that it was a complex legislative enactment and the Agency is carrying out its responsibilities under this act in a highly commendable fashion. He indicated the appropriate notices have been given to persons potentially affected and individual inquiries have been handled with dispatch. Appropriate excerpts from Andrew Ruddock's report are included in Enclosure 5.

This summarizes activity taken thus far with respect to former spouse legislation. We remain available to discuss any of the above with you and to provide any further assistance that you may require.

Sincerely,

/s/ Clair E. George

Clair E. George
Director, Office of Legislative Liaison

Enclosures

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